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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,487

07/16/2003

Ara Dionysian

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2498

25189

7590

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EXAMINER

KYLE, MICHAEL J

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,487

Applicant(s)

DIONYSIAN, ARA

Examiner

Michael J Kyle

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 19-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Frey (U.S. Patent No. 1,034,008). With respect to claim 1, Frey discloses a self-closing and locking hinge comprising first (2) leaf member defining a vertical plane and a second (1) leaf member pivotally coupled to the first leaf member (2) via a hinge pin (10), and configured to slide on the hinge pin within the vertical plane under the force of gravity until the second leaf (1) is automatically locked relative to the first leaf. Examiner refers to page 1, lines 80-86 of Frey, where Frey states “the weight of the door...thereby swinging the door to a closed position”. This clearly shows door moving under the force of gravity. Frey’s figures 1 and 3 show the movement of the second leaf in the vertical plane. Examiner considers the door to be automatically locked in position because the door is held in both it’s open and closed position until a force is applied to the door to overcome the features of the hinge that are holding in the respective positions.

4. With respect to claims 19-21, Frey discloses the second leaf (1) is unlocked from the first leaf by sliding the second leaf (2) on the hinge pin (10) within the vertical plane against the force of the gravity. This occurs as the hinge is moved from the position shown in figure 1 to the position shown in figure 3. The second leaf can pivot on the hinge pin relative to the first leaf.

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The first leaf (2) includes a first section (14) adapted to receive the hinge pin (10). The second leaf (1) includes a second section (13) adapted to receive the hinge pin (10).

5. With respect to claims 22-24, Frey discloses the first and second hinge pin receiving sections (14, 13) to comprise complementary vertical abutting portions (at 17, in figures 6 and 7), complementary top and bottom oblique abutting portions (15, 16), and complementary top and bottom stop portions (see figures 6 and 7, flat portions on 13 and 14).

6. With respect to claims 25-27, Frey discloses the second leaf (1) is automatically locked relative to the first leaf when all of the complementary stop, vertical and oblique abutting portions are in contact with each other, respectively (see figure 3). Additionally, Frey discloses the second leaf (1) can pivot on the hinge pin relative to the first leaf when the bottom oblique (15) and stop portions of the second leaf (1) are in sliding contact with the top oblique (16) and stop portions of the first leaf (2). This occurs when a force is applied to the hinge. The locked second leaf prevents a door operatively coupled thereto from being accidentally opened. With the locking hinge arrangement of Frey, a certain force is necessary to overcome the force of the hinge holding the door closed. Therefore, the hinge prevents anything applying a force less than required to overcome the hinge from accidentally opening the door.

7. With respect to claims 28 and 29, Frey discloses the unlocked second leaf allows a door operatively coupled thereto to open. Additionally, the locked door remains in a closed locked state when the hinge pin is removed from the first and second hinge pin receiving sections by virtue of its complementary top and bottom stop portions being in contact with each other.

Response to Arguments

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8. Applicant's arguments filed March 10, 2005 have been fully considered but they are not persuasive.

9. Applicant argues that there is no teaching in Frey regarding a second leaf being configured to slide on a hinge pin substantially within a vertical plane. Examiner respectfully disagrees. It is noted that in this Office action, plate 1 of Frey is now considered as the second leaf. Figures 1-3 clearly show the second leaf moves in a vertical plane in a sliding manner along the hinge pin 10. More specifically, this motion is shown by the presence of the gap between knuckle 3 and end 6 in figure 2, and the absence of this gap, from sliding motion of the second leaf, in figure 1.

10. Applicant argues that Frey teaches away from the present invention. Examiner respectfully disagrees. In that Frey discloses all the claimed structural limitations of the claim, Frey does not teach away from the present invention.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk


Chuck Mah
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